

REMARKS

Claims 1 - 19 are pending in the present application. Reconsideration of the application is respectfully requested.

In section 3 of the Office Action, claims 1 - 19 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. The application contains three independent claims, namely claims 1, 8 and 14. Applicant is amending claims 1, 8 and 14 to ensure compliance with 35 U.S.C. 101.

Claim 1 provides for a system that includes, *inter alia*, a module that presents preferred icons for display on a graphical user interface (GUI) in place of default icons. Applicants respectfully submit that a system that includes a module that presents preferred icons for display on a GUI in place of default icons is a machine having functionality, and as such, claim 1 satisfies the requirements of 35 U.S.C. 101.

Claim 8 provides for a method that includes, *inter alia*, presenting preferred icons for display on a graphical user interface (GUI) in place of default icons. Applicants respectfully submit that presenting preferred icons for display on the GUI in place of default icons is a useful, concrete and tangible result, and as such, claim 8 satisfies the requirements of 35 U.S.C. 101.

Claim 14 provides for a computer-readable medium comprising computer-executable instructions for performing a method that includes, *inter alia*, presenting preferred icons for display on a graphical user interface (GUI) in place of default icons. Applicants respectfully submit that computer-executable instructions are functional, and that presenting preferred icons for display on the GUI in place of default icons is a useful, concrete and tangible result, and as such, claim 14 satisfies the requirements of 35 U.S.C. 101.

Claims 2 - 7 depend from claim 1, claims 9 - 13 depend from claim 8, and claims 15 - 19 depend from claim 14. By virtue of these dependencies, claims 2 - 7, 9 - 13, and 15 - 19 also satisfy the requirements of 35 U.S.C. 101.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 101 rejection of claims 1 - 19.

In section 5 of the Office Action, claims 1 – 4, 6 – 11, 14 – 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over a document that describes an aspect of Allegro (hereinafter “the Allegro document”) in view of U.S. Patent No. 6,535,756 to Simon et al. (hereinafter “the Simon et al. patent”). As mentioned above, Applicants are amending claims 1, 8 and 14 to address a rejection under 35 U.S.C. 101. Applicants are also clarifying an aspect of claims 1, 8 and 14 that is not disclosed or suggested by the cited combination of the Allegro document and the Simon et al. patent.

Claim 1 provides for a system that includes, *inter alia*, a module that presents preferred icons for display on a graphical user interface (GUI) in place of default icons.

The Office Action, on page 3, recognizes that the Allegro document does not expressly state overriding values, and so, the Office Action looks to the Simon et al. patent for this feature, and cites a passage at col. 3, lines 31 - 41 of the Simon et al. patent. However, the cited passage describes a technique that includes creating a new icon that is superimposed on a pre-acquired image, but does not appear to disclose a module that **presents preferred icons for display on a GUI in place of default icons**, as recited in claim 1. Thus, claim 1 is patentable over the cited combination of the Allegro document and the Simon et al. patent.

Claims 8 and 14 each include recitals similar to that of claim 1, described above. Accordingly, claims 8 and 14, for reasoning similar to that provided in support of claim 1, are also patentable over the cited combination of the Allegro document and the Simon et al. patent.

Claims 2 – 4, 6 and 7 depend from claim 1, claims 9 – 11 depend from claim 8, and claims 15, 16, 18 and 19 depend from claim 14. By virtue of these dependencies, claims 2 – 4, 6, 7, 9 – 11, 15, 16, 18 and 19 are also patentable over the cited combination of the Allegro document and the Simon et al. patent.

Applicants respectfully request reconsideration and withdrawal of the section 103(a) rejection of claims 1 – 4, 6 – 11, 14 – 16, 18 and 19.

On page 6 of the Office Action, claims 5, 12, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Allegro document and the Simon et al. patent, in view of U.S. Patent No. 6,029,198 to Iizuka (hereinafter “the Iizuka patent”).

Claim 5 depends from claim 1, claims 12 and 13 depend from claim 8, and claim 17 depends from claim 14. Applicants respectfully submit that the Iizuka patent does not make up for the deficiencies of the Allegro document and the Simon et al. patent, as the Allegro document and the Simon et al. patent relate to claims 1, 8 and 14, and that therefore, claims 1, 8, and 14, and claims 5, 12, 13 and 17, by virtue of their dependencies, are all patentable over the cited combination of the Allegro document, the Simon et al. patent and the Iizuka patent.

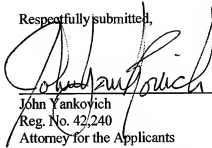
Applicants respectfully request reconsideration and withdrawal of the section 103(a) rejection of claims 5, 12, 13 and 17.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Date

9 Jun 2007

Respectfully submitted,



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